



January 16, 2022

Dear President Gutmann,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

Principles of free speech include the right of professors to speak in public on matters of public concern without the threat of sanctions by their university employer. Unfortunately, political officials in Pennsylvania are not respecting those basic principles, and we call upon the University of Pennsylvania to hold firm to its stated principles.

In a [December 20 podcast interview](#) with Professor Glenn Loury, regarding immigrants from Asian countries Professor Amy Wax questioned, “Does the spirit of liberty beat in their breast?” In a [written response to a listener](#), she elaborated that “as long as most Asians support Democrats and help to advance their positions, I think the United States is better off with fewer Asians and less Asian immigration.” These remarks have created public controversy. Law school Dean Ted Ruger [issued a statement](#) noting that Wax’s comments are protected by principles of academic freedom. Even so, a [student petition](#) has called for disciplinary action against her and for a reform of the tenure system itself to make it easier to terminate professors “whose actions are harmful.” [Local politicians](#) have demanded that she be fired. Despite its earlier statements, the university has more recently indicated that unspecified “[action](#)” is under consideration.

I write on behalf of the Academic Freedom Alliance to express our firm view that Professor Wax should suffer no formal consequences as the result of these public statements. Regardless of what one thinks about Professor Wax’s personal political views, the only appropriate action that the University of Pennsylvania should take in this situation is to publicly reaffirm the free speech rights of the members of its faculty.

This call for the university to take formal action against Professor Wax is a clear threat to her freedom of speech. Such a public interview is a form of what the [American Association of University Professors](#) calls “extramural speech.” Extramural speech is a protected form of freedom of expression. When professors “speak or write as citizens, they should be free from institutional censorship or discipline.” As the AAUP has emphasized, “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for the position.” The University of Pennsylvania has explicitly embraced those principles in [Article 11 of the Statutes of the Trustees](#). The university has stated clearly that faculty members have the right to express



their personal opinions as citizens and “when speaking or writing as an individual, the teacher should be free from institutional censorship or discipline.” Professor Wax was acting well within those rights in commenting on American immigration policy. It is quite clear that her public comments as a private individual on matters of public concern cannot, consistent with Article 11 and general understandings of free speech in the United States, be understood to constitute a “flagrant disregard of the standards, rules, or mission of the University or the customs of scholarly communities” that might give rise to disciplinary action under the [Faculty Handbook](#), and the list of major infractions provided in the Handbook in no way resemble the actions at issue here.

Politicians and members of the campus community are free to disagree with Professor Wax and to publicly express those disagreements, but the university must stand firm when those disagreements turn into demands that members of the faculty be sanctioned or terminated for expressing their political opinions in public. The AFA calls upon the leadership of the University of Pennsylvania to reaffirm and adhere to its free speech principles by making clear that Professor Wax will not be sanctioned in any way for her constitutionally protected speech.

Sincerely,

A handwritten signature in black ink, appearing to read "KW", with a long, sweeping horizontal line extending to the right.

Keith Whittington
Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University

cc. Professor Amy Wax
Ted Ruger, Dean of the Law School
Wendy S. White, Senior Vice President and General Counsel
Professor William Braham, Chair of the Faculty Senate